

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-12 have been canceled in favor of new claims 13-22. Support for the amendments is provided at least in the canceled claims, Figs. 5 and 8, and paragraphs [0002] and [0143] of the published specification.

Claims 1 and 3 were rejected, under 35 USC §102(a), as being anticipated by Schulzrinne et al. (RTP: A Transport Protocol for Real-Time Applications). Claims 2 and 11 were rejected, under 35 USC §103(a), as being unpatentable over Schulzrinne in view of Floyd et al. (Equation-Based Congestion Control for Unicast Applications). Claim 4 was rejected, under 35 USC §103(a), as being unpatentable over Floyd in view of Suzuki (US 5,790,170). Claims 5-10 and 12 were rejected, under 35 USC §103(a), as being unpatentable over Schulzrinne in view of Suzuki.

To the extent these rejections may be deemed applicable to new claims 13-22, the Applicants respectfully traverse based on the following points.

Claim 13 defines an adaptive control method that determines, at a data reception apparatus, a transmission interval for transmitting a receiver report packet and reports the determined interval from the data reception apparatus to a data transmission apparatus.

With the claimed subject matter, an advantage is provided in that the data transmission apparatus knows when to expect a reception report and as a result can adaptively control its transmission rate when a reception report is not received in the scheduled interval, so as to reduce

congestion within the communication network (see specification page 8, line 17, through page 9, line 9).

Floyd discloses sending feedback from a receiver (see Floyd, section 3.1.1). However, the feedback sent by Floyd's receiver is simply information of the sequence number of the most recently received data packet. Floyd does not disclose a receiver that determines and reports a transmission interval for a receiver report packet. Instead, Floyd discloses a data sender that determines a round-trip time R and a retransmit timeout value t_{RTO} (see Section 3.1.1), and it follows *per force* that the receiver does not determine and transmit round-trip time R and retransmit timeout value t_{RTO} . Thus, Floyd's disclosure is directed to determining round-trip time R and retransmit timeout value t_{RTO} at a sending device and changing the sending device's transmission rate in accordance with the determined values.

Suzuki discloses transmitting a program demand signal to an information distribution center HE from a subscriber terminal (see Suzuki, abstract, lines 1-6). The demand signal includes a requested transmission rate for the program to be distributed to the subscriber terminal (see col. 15, lines 17-25). However, Suzuki does not disclose that the subscriber terminal determines and reports a transmission interval for a receiver report packet that is to be communicated to the information distribution center HE. Instead, Suzuki's subscriber terminal merely determines a requested transmission rate (see col. 13, lines 1-11); thus, Suzuki's subscriber terminal has no need to transmit a report interval, to information distribution center HE, for use in determining a transmission rate.

With the Applicants' claimed subject matter, a data reception apparatus determines the transmission interval for a receiver report packet so that a data transmission apparatus may use

the reported interval to determine a transmission rate. It is submitted that Floyd and Suzuki, considered alone or together, do not teach or suggest these features.

The Office Action proposes that Schulzrinne discloses calculating an RTCP transmission interval and communicating a receiver report packet as the first packet within a compound packet (see Office Action section 2, fourth paragraph).

However, determining a transmission interval for communicating data and determining an interval for reporting the reception conditions of the transmitted data are not similar things.

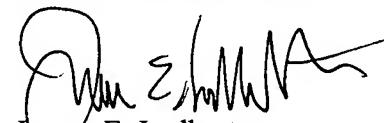
Moreover, Schulzrinne expressly states that reception statistics RR are sent as often as bandwidth constraints permit (see Schulzrinne section 6.1, tenth paragraph). Thus, Schulzrinne does not disclose determining a transmission interval for transmitting a receiver report packet and, as a result, cannot disclose communicating information of the interval to a transmitting apparatus..

Accordingly, the Applicants respectfully submit that Schulzrinne, Floyd and Suzuki, considered individually or in combination, do not anticipate or render obvious the subject matter defined by claim 13. Independent claim 17 similarly recite the above-mentioned subject matter distinguishing method claim 13 from the teachings of the applied references, but with respect to an apparatus. Therefore, allowance of claims 13 and 17 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter
Registration No. 28,732

Date: March 12, 2008
JEL/DWW/att

Attorney Docket No. 009289-04157
Dickinson Wright PLLC
1901 L Street, NW, Suite 800
Washington, DC 20036
Telephone: (202) 659-6960
Facsimile: (202) 659-1559